



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Criminal Justice Service
<b>VAC Chapter Number:</b>	6 VAC 20-130-10 through 20-130-120
<b>Regulation Title:</b>	Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase
<b>Action Title:</b>	Firearm Purchase Record Checks
<b>Date:</b>	October 5, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

This regulation allows the Virginia State Police to check with the National Crime Information Center (NCIC) for instant criminal history records for persons purchasing firearms. Currently this can only be done through the Virginia Criminal Information Network (VCIN). Adding NCIC gives a national capacity for background checks. Additionally, there are several technical changes made that are recommended by the Virginia State Police related to sanctions for violations by dealers and the appeals process.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The authority for these regulations is based on Code of Virginia §18.2-308.2:2.

**Substance**

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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This amendment provides for access to the National Crime Information Center by the Virginia State Police for instant records checks for persons purchasing firearms. It also provides sanctions for dealers who violate regulations regarding firearms purchases, and provides an appeals process for those dealers. The current system only provides for criminal history records checks in Virginia. Persons who may have a criminal record in other states would not be identified because of current limitations.

**Alternatives**

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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Access to the National Crime Information Center is needed to ensure that persons with criminal histories in other states cannot purchase firearms in Virginia. There are no other alternatives.

**Family Impact Statement**

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This regulation expands the ability of the Virginia State Police to ensure public safety by identifying persons who should not be able to purchase firearms in Virginia because of criminal history.